
**PRELIMINARY DRAFT
No. 3175**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2010 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 12-17.2.

Synopsis: Child care ministries. Requires the division of family resources to establish a child care advisory committee for child care ministries. Specifies certain requirements for registration of child care ministries.

Effective: July 1, 2010.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-2-1, AS AMENDED BY P.L.1-2009,
2 SECTION 105, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: Sec. 1. The division shall perform the
4 following duties:

5 (1) Administer the licensing and monitoring of child care centers
6 or child care homes in accordance with this article.

7 (2) Ensure that a national criminal history background check of
8 the applicant is completed through the state police department
9 under IC 10-13-3-39 before issuing a license.

10 (3) Ensure that a criminal history background check of a child
11 care ministry applicant for registration is completed before
12 registering the child care ministry.

13 (4) Provide for the issuance, denial, suspension, and revocation of
14 licenses.

15 (5) Cooperate with governing bodies of child care centers and
16 child care homes and their staffs to improve standards of child
17 care.

18 (6) Prepare at least biannually a directory of licensees with a
19 description of the program capacity and type of children served
20 that will be distributed to the legislature, licensees, and other
21 interested parties as a public document.

22 (7) Deposit all license application fees collected under section 2
23 of this chapter in the division of family resources child care fund
24 established by IC 12-17.2-2-3.

25 (8) Require each child care center or child care home to record
26 proof of a child's date of birth before accepting the child. A child's
27 date of birth may be proven by the child's original birth certificate
28 or other reliable proof of the child's date of birth, including a duly
29 attested transcript of a birth certificate.

30 (9) Provide an Internet site through which members of the public
31 may obtain the following information:



(A) Information concerning violations of this article by a **registered or** licensed child care provider, including:

- (i) the identity of the child care provider;
- (ii) the date of the violation; and
- (iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet site may not contain the address of a child care home or information identifying an individual child. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-5.5(b); and

(B) a child care home licensed under IC 12-17.2-5;

including practices to reduce the risk of sudden infant death syndrome.

SECTION 2. IC 12-17.2-2.5-1, AS ADDED BY P.L.126-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The division shall establish a child care advisory committee for each of the following categories of child care:

(1) Child care homes.

(2) Child care centers.

(3) Child care ministries.

SECTION 3. IC 12-17.2-2.5-3, AS ADDED BY P.L.126-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. Each committee must consist of members appointed:

(1) by the director or the director's designee; and

(2) to provide diversity in representing the types of child care that comprise the committee's category specified in section 1 of this chapter, including size, licensure **or registration** status, accreditation status, and geographic location in Indiana.

SECTION 4. IC 12-17.2-6-2, AS AMENDED BY P.L.1-2006, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. An unlicensed child care ministry under section 1 of this chapter may not operate unless the child care ministry has registered with and met the requirements of **this chapter**, the division, and the division of fire and building safety. Registration forms shall be provided by the division and the division of fire and building safety.

SECTION 5. IC 12-17.2-6-4, AS AMENDED BY P.L.16-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The division shall inspect a child care ministry registered under section 2 of this chapter to ensure that the



child care ministry complies with:

(1) **this chapter; and**

(2) the rules of the division adopted under IC 12-17.2-2-5(a).

(b) The division shall make an inspection described in subsection (a):

(1) at least semiannually; and

(2) additionally as determined necessary by the division, but not more than four (4) inspections per year per child care ministry.

SECTION 6. IC 12-17.2-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 16. (a) A child care ministry caregiver must be at least:**

(1) **seventeen (17) years of age and enrolled in high school; or**

(2) **eighteen (18) years of age and possess a high school diploma or equivalent.**

(b) **A child in the care of a child care ministry must at all times be under the direct supervision of a caregiver. If the child is less than twenty-five (25) months of age, the child must at all times be under the direct supervision of a caregiver who is at least twenty-one (21) years of age.**

(c) **Except as provided in subsection (d), a child care ministry shall comply with the child to staff ratio that would apply to the child care ministry if the child care ministry were licensed under IC 12-17.2-4 or IC 12-17.2-5.**

(d) **The staff portion of the child to staff ratio required by subsection (c) for the direct supervision of children may be reduced by fifty percent (50%):**

(1) **during a period when more than fifty percent (50%) of the children are sleeping; and**

(2) **if the normal child to staff ratio is maintained on the premises during the period described in subdivision (1).**

This subsection does not apply if any child in the care of the applicable staff is less than thirteen (13) months of age.

SECTION 7. IC 12-17.2-6-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 17. (a) A child care ministry shall, not more than five (5) calendar days after the injury or death of a child and on a form provided by the division, send to the division written notice of the following:**

(1) **An injury:**

(A) **that was incurred by a child while the child is in the care of a child care ministry caregiver; and**

(B) **that required the attention of medical personnel.**

(2) **The death of a child that occurs while the child is on the premises of the child care ministry or in the care of a child care ministry caregiver.**



1 (b) Except as provided in subsection (c), information:

2 (1) obtained by the division under this section; and

3 (2) from which the identity of an individual child, guardian,
4 custodian, or relative of a child may be ascertained;

5 is confidential and may not be released to any person.

6 (c) Information described in subsection (b) may be released as
7 follows:

8 (1) To a state agency involved in registration of the child care
9 ministry.

10 (2) To a legally mandated child protection agency.

11 (3) To a law enforcement agency.

12 (4) Information specific to a particular child only, as follows:

13 (A) To the parent, guardian, or custodian of the child.

14 (B) To an agency that:

15 (i) has legal responsibility to care for the child; and

16 (ii) places the child at the child care ministry.

